Remarks/Arguments:

By way of the foregoing, the specification has been amended to address the objection noted in the Office Action.

In addition, claims 1-6 and 14 have been cancelled, independent claims 7 and 13 have been amended to more clearly recite the Applicant's invention and new claims 15-19 have been added. Thus, claims 7-13 and 15-19 are pending.

All of the claims are directed to night vision assemblies (a monocular in claim 13) used as vision enhancing devices primarily by military personnel and to a lesser extent by police. These are handheld devices often used (1) in dangerous circumstances, (2) at night and (3) under extreme weather conditions. Under such circumstances and conditions, the user must be able to quickly, silently and easily manipulate the assembly (monocular in claim 13).

As noted in Applicant's specification, a lens cap is used to protect the lens when the night vision device is not in use. The lens cap is often tethered to the assembly so that it is not lost when the device is in use and yet is readily available for reassembly to the lens when usage is discontinued. As also noted in Applicant's specification, a dangling lens cap can become entangled with the user, the user's clothing and/or accessory devices being operated by the user. In windy conditions the lens cap can strike the user's face.

This invention overcomes these problems and provides an elegant economical solution that is easily and readily usable under the adverse conditions noted above. When the assembly is to be used, the lens cap is easily stowed without the need for special tools or the manipulation of locking devices.

The claims clearly recite a night vision assembly (monocular in claim 13) with varying degrees of specificity and clearly recite the advantageous arrangement for stowing the lens cap when the device is in use. All of the claims recite that the lens cap is stowed on the enlarged head of a fastener (claims 7-13, 17 and 18) or a generally cylindrical protrusion (claims 15 and 19) with an interference fit. None of the references disclose, suggest or teach these arrangements.

A copy of a translation of the Japanese application of Tsukui is attached. This translation was provided by Scientific Translation Services of Bryn Mawr, Pennsylvania.

The Tsukui patent application discloses 3 embodiments of an imaging device and from the Explanation of Symbols it is seen that the imaging device is a video camera. The video camera includes a lens mirror cylinder (12 or 22 or 32) and a lens cover (13 or 23 or 33) which fits over the cylinder to protect the lens when the camera is not in use. Tsukui also discloses a

lens cover holding part (15 or 25 or unnumbered in the third embodiment). The lens cover is captured on the holding part through a complex locking arrangements requiring severe manipulation.

In the embodiment of Figs. 1-5, Tsukui discloses a lens cover including a locking part 131 and a lock releasing button 132. The locking part 131 cooperates with an extruding part 151 that is integral with the lens cover holding part 15. Manipulation of the button 132 is required to assemble or disassemble the lens cover from lens cover holding part 15.

In the embodiment of Figs. 6-9, the lens cover holding part 25 includes a guide rail 251, locking part 252 and lock releasing lever 253. Careful manipulation is required to assemble the lens cover to the holding part. The groove 231 of the lens cover must be fitted into the guide rail 251 of the holding part and the locking part 252 holds the lens cover in place. Removal also requires careful manipulation. The lock releasing lever 253 must be operated to move the locking part 252 and release the lens cover.

In the embodiment of Figs. 10 and 11, the lens cover holding part includes a guide rail 351, locking part 352 and a lock releasing lever 353. The lens cover 33 includes a guide groove (not shown). To assemble the lens cover to the holding part, the guide groove must be fitted with the guide rail 351 and inserted there along until the locking part 352 locks the lens cover in place. To remove the lens cover from the lens cover holding part, the lock releasing lever must be operated to unlock the lens cover from the locking part. In this embodiment, careful manipulation is also required to assemble or disassemble the lens cover from the holding part.

The Agata patent (No. 6,680,845) also relied on in the rejection, also fails to disclose, teach, or suggest the use of an interference fit as recited in the claims. Agata discloses an information processing apparatus including a computer body 2, display section 3, and a keyboard 4 with a built in camera section 40. The camera section 40 includes a lens barrel 41 and a tethered lens cap 44. When the camera is in use, the lens cap 44 can be inserted into a hole formed in a holding recess 28 located on the bottom wall 22 of the computer body 2. See Fig. 4.

Thus, Agata does not disclose the enlarged protrusion or the enlarged fastener head recited in the claims. Agata includes no disclosure of an interference fit.

Moreover, Agata does not disclose a handheld device operated under the conditions in which night vision devices are used. Agata does not face or address the problems solved by the claimed invention.

In view of the foregoing, it is submitted that claims 7-13 and 15-19 are allowable. Reconsideration and allowance of this application are requested.

Respectfully submitted,

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RPS/dhm

Attachments: English translation of Japanese patent

Dated: August 5, 2004

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